

### REMARKS

Claims 1-52 were pending in this application. No claims were added or canceled. Hence, claims 1-52 remain pending in this application. For the convenience of the Examiner, the currently pending claims are attached in the Appendix.

#### Rejection of the Claims

Claims 1-2, 5-7, 12, 15-16, 18-20, 26-27, 35-37, 39-40, and 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over BroadVision, in view of Official Notice (“ON2”).

Claims 3-4, 17, and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over BroadVision, and ON2, as applied to claims 1, 15, and 36, further in view of PR Newswire (“PRN”).

Claims 8-11, 21-23, 28-31, 34, 41-42, 45-48, and 51 were rejected under 35 U.S.C. § 103(a) as being unpatentable over BroadVision and ON2, as applied to claims 1, 15, and 36, further in view of U.S. Patent 6,141,653 (“Conklin”).

Claims 13-14, 24-25, and 43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over BroadVision and ON2, as applied to claims 1, 15, and 36, further in view of Conklin, further in view of Official Notice (“ON1”).

Claims 32-33, 49-50, and 52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over BroadVision, ON2 and PRN as applied to claims 15 and 36 and further in view of Borcover.

These rejections are respectfully traversed.

#### The Claimed Invention

The present invention, as recited in independent claim 1, is directed to a computer implemented system for administering a distribution channel for the promotion and sale of a product. The system comprises, among other things, a digital repository for storing data of interest to members of a **consortium**.

Similarly, claim 15 is directed to a method for administering a distribution channel for the promotion and sale of a product. The method comprises, among other things, the step of

populating a digital repository with data relating to members of a **consortium**, the consortium forming a part of the distribution channel.

Claim 35 recites a system for administering a distribution channel for the promotion and sale of a product. The system comprises, among other things, means for populating a digital repository with data relating to members of a **consortium**, the consortium forming a part of the distribution channel.

Finally, claim 36 recites a computer program product comprising, among other things, a computer program code mechanism embedded in a computer storage medium for causing a computer to manage a **consortium** for the promotion and sale of a product, the computer program code mechanism having a first computer code device configured to maintain data in a digital repository relating to members of the consortium.

#### Arguments in Support of the Claims

As an initial matter, Applicant kindly thanks the Examiner for the courtesy of a telephonic interview on February 10, 2005. During said interview, Applicant attempted to more clearly understand the Examiner's reasoning as to how the cited prior art references rendered the claimed invention unpatentable. Although no specific agreement was reached, the Examiner stated that Applicant may consider the interview to be "successful." The Examiner then advised Applicant to submit the points that were raised during the interview in this formal response.

To recap, independent claims 1, 15, 35, and 36, respectively, are directed to computerized systems and methods for establishing and managing a **consortium**. Such a "consortium" is defined by Merriam-Webster's Dictionary as an agreement, combination, or group (as of companies) **formed to undertake an enterprise beyond the resources of any one member**. (Office Action, page 5.) Applicant accepts the proposed definition at this time in order to expedite prosecution of this application, but reserves the right to substitute an alternative definition at a later time.

An advantage of the claimed invention over the prior art is that it allows a consortium to be established and maintained on-line. Such an arrangement not only provides all the benefits of a traditional consortium, including the ability to undertake an enterprise that is beyond the resources of any one member, but also has all the enhanced features and efficiencies associated with being on-

line. Nowhere does BroadVision, Chelliah, or any other art of record, disclose or suggest a such an on-line consortium.

On the contrary, the BroadVision One-to-One technology appears to be merely an e-commerce technology. BroadVision states that the technology allows for rapid development and real-time operation of one-to-one relationship management applications for the extended enterprise. (Item U, page 2, para. 4.) In other words, BroadVision's technology allows individual enterprises to deploy and manage their individual businesses on-line. Nowhere does BroadVision disclose or suggest that its technology facilitates the type of synergistic relationships between multiple parties found in a consortium.

Chelliah also fails to disclose or suggest an on-line consortium. The closest thing to a consortium that Chelliah discloses is an electronic mall. (Col. 6, lines 13-25.) However, Chelliah describes the electronic mall as simply a collection of suppliers of goods and services. (Col. 6, lines 5-9.) Nowhere does Chelliah disclose or suggest that its system facilitates the type of collaborative relationships found in a consortium. This position is underscored by the disclosure in Chelliah that a single supplier may use the system just as well as several suppliers. (See, e.g., col. 3, lines 5-7, "... at least one supplier.")

PRN, Conklin, and Borcover also fail to disclose or suggest a consortium. Therefore, even assuming that there is motivation to combine BroadVision and Chelliah with either PRN, Conklin, and/or Borcover, the resulting combination would not produce the claimed invention.

Accordingly, because none of the prior art of record, taken alone or in combination, discloses or suggests the invention as claimed in independent claims 1, 15, 35, and 36, withdrawal of the rejections against the independent claims is respectively requested.

As for dependent claims 2-14, 16-34, and 37-52, although they may recite independently allowable subject matter, these claims depend from claims 1, 15, 35, and 36, respectively, and are therefore allowable for at least the same reasons. Accordingly, withdrawal of the rejection against the dependent claims is respectively requested.

**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated:

2/25/2005

Respectfully submitted,

By CM Filbeck *at permission*

Margaret A. Boulware #46991

Registration No.: 28708

Baker & McKenzie LLP

711 Louisiana, Suite 3400

Houston, TX 77005

Tel: 713-427-5000

Fax: 713-427-5099